

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re:

John G. Allegra
Subsurface Sewage Disposal
System Installer

Petition No. 860605-33-003

UC# 002922

CONSENT ORDER

WHEREAS, John G. Allegra, hereinafter referred to as the Respondent, of East Hampton, Connecticut has been issued license number 2922 to practice as a subsurface sewage disposal system installer by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, John G. Allegra hereby admits and acknowledges that:

1. At all times relevant hereto, he has been the owner and the responsible subsurface sewage disposal system installer of Central Septic Services, Inc., East Hampton, Connecticut;
2. During April of 1986, on two separate occasions, he improperly discharged from a pumping vehicle a total of over six thousand (6,000) gallons of sewage removed from residential and/or commercial holding tanks onto property owned by him, located at 82 Young Street, East Hampton, Connecticut, and into an intermittent watercourse/wetland area. Said discharge affected other public and/or private land.
3. During December of 1985, he improperly allowed an agent under his direction and control to discharge sewage from a pumping vehicle into the sewage system for the Town of East Hampton. Said improper discharge was done through a sewer pipe in a building owned by the Respondent.

4. By his actions described in paragraphs 2. and 3. above he has violated the provisions of §20-341f(d) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-341f of the Connecticut General Statutes, John G. Allegra hereby stipulates and agrees to the following:

1. That he waives the right to a hearing on the merits of this matter.
2. That his license as a subsurface sewage disposal system installer is hereby suspended.
3. That he shall sell his subsurface sewage disposal system installer business, known as Central Septic Services, Inc. to a bona fide purchaser. Henceforth he shall not perform any work of a subsurface sewage disposal system installer, as defined in Connecticut General Statutes §20-341a, except as provided in 5. below.
4. That he is hereby assessed a civil fine of three thousand dollars (\$3,000.00), one thousand dollars (\$1,000.00) for each of three instances of improper discharge of sewage as stated in paragraphs 2. and 3., page 1 above. Said penalty is to be paid to the Treasurer, State of Connecticut, by certified check forwarded to the Department of Health Services, Public Health Hearing Office, 150 Washington Street, Hartford, CT 06106. One Thousand dollars of said payment shall accompany this document upon execution by the respondent; the balance shall be paid by the Respondent no later than July 1, 1990.

5. That he shall take whatever remedial action is necessary, at his own expense, to clean the sludge and remove the contamination caused by the improper discharge of sewage described in paragraph 2 (page 1) above, whether said sludge and contamination be on his own or another's property, or on public land or within a public waterway. Said remedial action shall be performed by the Respondent under the supervision of the State of Connecticut Department of Environmental Protection, and shall be completed to the satisfaction of said Department and the Department of Health Services.
6. That he shall provide to the Department of Health Services, Division of Medical Quality Assurance proof that he has complied in a timely fashion with paragraph 3. above.
7. As used in this Consent Order, "sewage" and "wastes" are as defined in Connecticut General Statutes §22a-423.
8. That in the event that the individual or entity who purchases Respondent's business, as set forth in 3. above, executes a promissory note with Respondent as payee in order to purchase said business, and subsequently defaults on said note, respondent may engage in the work of a subsurface sewage disposal system installer, and the suspension of his license shall be lifted, only under the following terms and conditions:
 - a. That all sewage and/or wastes pumped by the Respondent, whether by him individually, under a company name, or by anyone under his direction or control, shall be delivered to the Colchester/East Hampton Joint Facilities in Connecticut, and to no other sewage

treatment facility. Respondent shall not dispose of any sewage and/or wastes in said Facilities that adversely affect the Facilities' operations.

- b. That the Respondent's use of the Colchester/East Hampton Joint Facilities for the disposal of sewage and/or wastes shall be monitored for the three (3) year probationary period. Said monitoring shall be conducted by officials of the Colchester/East Hampton Water Pollution Control Facilities.
- c. That said monitoring required in 8b. above shall consist of regular observation of the Respondent's use of said Facilities to ensure legal and proper disposal of sewage and/or wastes.
- d. That the method by which the officials of the Colchester/East Hampton Water Pollution Control Facilities monitor the Respondent shall be approved by and acceptable to the Department of Health Services, Division of Medical Quality Assurance.
- e. That said officials of the Colchester/East Hampton Water Pollution Control Facilities shall file quarterly reports with the Department of Health Services, Division of Medical Quality Assurance. Said reports shall demonstrate to the satisfaction of said Department that the Respondent is legally and properly using the municipal sewage treatment facilities involved.
- f. That said quarterly reports shall be due on March 31st, June 30th, September 30th, and December 31st of each year of the probationary period. Said reports shall be

forwarded to the Department of Health Services, Public Health Hearing Office, 150 Washington Street, Hartford, Connecticut 06106.

- g. That the respondent shall assume full responsibility for the timely filing of the reports required in 8d. and 8e. above.
- h. That during the three (3) year probationary period, the Respondent shall issue to each customer in his business as a subsurface sewage disposal system installer (whether said work is performed under the name of Central Septic or any other business name, or by the Respondent or his agent or employee under the Respondent's supervision, direction, or control) a receipt for services rendered. Said receipts shall accurately list the type of work performed and the amount of sewage or wastes pumped by the Respondent for disposal at any site. Said receipts shall also include the name, address, and telephone number of the customer, and the date of service.
- i. That during the three (3) year probationary period, the Respondent shall submit on a quarterly basis copies of all receipts issued to his customers. Said receipts shall be due on March 31st, June 30th, September 30th, and December 31st of each year of the probationary period. The Respondent shall send the copies of these receipts to the Department of Health Services, Public Health Hearing Office, 150 Washington Street, Hartford, Connecticut 06106.

- j. That the Respondent shall execute an irrevocable release allowing authorized agents of the Department of Health Services, Division of Medical Quality Assurance, access to the income tax returns filed by Central Septic Service, Inc, with the United States Internal Revenue Service for the three year period of probation referred to in 8. above. The Respondent hereby represents that the only entity under which he shall engage in the business of subsurface sewage disposal shall be Central Septic Services, Inc.
9. That any documented violation of the terms of probation listed in paragraph 8a. - 8j. above or any documented violation of any other term of this consent order by the Respondent shall result in the following procedure:
 - a. The Department of Health Services shall notify the Respondent in writing by first-class mail that the term(s) of probation or any other term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) had been granted by the Department of Health Services.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of probation or other term(s) of this Consent Order.
 - c. The Respondent will be allowed fifteen (15) days from the date of the mailing of the notification required in

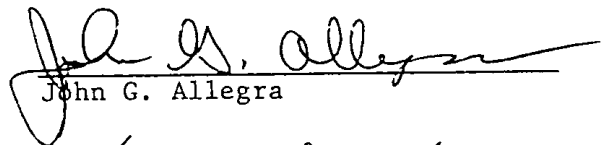
9a.above to demonstrate to the satisfaction of the Department of Health Services that he has complied with the terms of probation or the terms of this Consent Order, as applicable, or in the alternative, that he has cured the violation in question.

- d. If the Respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department of Health Services, his license as a subsurface sewage disposal system installer shall be revoked, unless he initiates a hearing, as described in 9e. below.
- e. The Respondent must initiate said hearing through a written request to the Department of Health Services within fifteen (15) days from notification of the violation.
- f. He shall be entitled to a hearing before a duly appointed Hearing Officer, with the final determination of the action to be taken to rest with the Commissioner of Health Services.
- g. Evidence presented to said Hearing Officer by either the Department of Health Services or Respondent shall be limited to the alleged violation(s) of the term(s) of probation, or to the alleged violation(s) of the term(s) of this Consent Order.

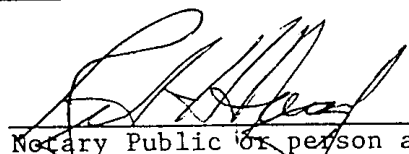
- 10. That he understands that notice of this Consent Order is a matter of public record.

11. That this Consent Order is effective August 1, 1988.
12. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Department of Health Services arising out of a subsequent series of facts (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-341f of the General Statutes of Connecticut, as amended, is at issue.
13. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
14. That he has consulted an attorney prior to signing this document.

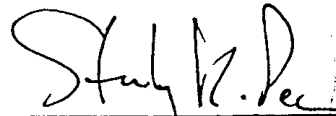
I, John G. Allegra, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


John G. Allegra

Subscribed and sworn to before me this 5th day of December 1988.


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Health Services on the 29th day of December 1988, it is hereby ordered and accepted.



Stanley K. Peck, Director
Division of Medical Quality Assurance

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